

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CSX TRANSPORTATION, INC.,)
individually and on behalf of NORFOLK)
& PORTSMOUTH BELT LINE)
RAILROAD COMPANY,)
)
Plaintiff,)
)
v.)
)
NORFOLK SOUTHERN RAILWAY)
COMPANY, *et al.*,)
)
Defendants.)

No. 2:18-cv-530-MSD-LRL

**NORFOLK SOUTHERN RAILWAY COMPANY'S
NOTICE OF AVAILABILITY FOR HEARING**

Defendant Norfolk Southern Railway Company (“NSR”), by counsel, hereby gives notice that it is available for oral argument and to answer questions regarding its Motion to Dismiss, for Judgment on the Pleadings, and Referral to the Surface Transportation Board (the “STB Motion”), filed January 31, 2020, if the Court finds that such would be helpful to resolution of the pending motion. *See* ECF No. 115. The motion is fully briefed and is ripe for consideration by the Court. *See* ECF No. 116, 131, 132, and 138.

Due to COVID-19, this case was stayed shortly after the briefing on the STB Motion was completed, with all litigation deadlines vacated pending rescheduling. *See* ECF No. 160. The Court entered successive stay orders in light of the ongoing global pandemic. *See* ECF Nos. 164, 173, 191, 196. Per the Court’s Order, dated August 25, 2020, the parties contacted the Court to set a time for a telephonic conference regarding case scheduling. *See* ECF No. 233. Per the Court’s Order, dated October 1, 2020, the parties attended a Rule 16(b) Scheduling Conference

October 20, 2020. The Court issued a Rule 16(b) Scheduling Order today setting trial for July 13, 2021 and scheduling the remaining pretrial deadlines. *See* ECF No. 254. In addition, the parties have immediately restarted discovery.

In light of the rescheduling of the case deadlines and the resumption of this matter, NSR respectfully submits this Notice stating its availability for a hearing to present oral argument and/or answer questions regarding the pending STB Motion, to the extent that should such would be helpful to the Court.

Date: October 22, 2020

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY

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